

Submitted July 14, 2012  
Approved as of  
Date July 14, 2012

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 01-11  
Saturday, July 9, 2011**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:30 a.m., Saturday July 9, 2011.

**PRESENT**

Peter Mork, Chair  
Steven Wilcox  
Alan Sternstein  
Stephen Ravas, Alternate

**Absent:** None

**Present:** Bridget Donnell Newton, Council Liaison  
Cindy Walters, Assistant City Attorney  
Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner  
Castor Chasten, Planner III  
Tyler Tansing, Board Secretary

**I. PUBLIC HEARING**

- A. Variance Application VAR2011-00019 to 00025, Crown Castle - For waiver request to install telecommunications antennas that exceed the size requirement permitted under Section 25.09.08 of the Zoning Ordinance to install 8 feet tall antennas instead of 6 feet at 1451 Rockville Pike, 1700 Rockville Pike, 50 west Edmonston Drive, 14500 Avery road, 1901 Research Boulevard, 1251 West Montgomery Avenue and 111 Rockville Pike.**

Jason Mayo, with Crown Castle, presented his request for variance and introduced his colleagues who will provide expert testimony of the LTE technology and its efficacy.

Shashi Kanth Sena, Sr. Radio Frequency Engineer with AT&T, offered expert witness testimony and answered questions from the Board on LTE Technology (Long-term Evolution, which enables the end-user to download applications faster, watch TV, video chat, and increase upload speeds = 4G Technology) and its benefits.

Ilya Altman, with Crown Castle, presented a spec sheet and photo simulation of the visual impact at the proposed antenna sites.

Jonathan Bivens, a licensed structural engineer employed by Bechtel Communications, offered his expert testimony on the structural integrity of the 8 ft. towers.

The following citizen testified:

Beth Schaffer, 1309 Templeton Place, lives behind the site of the proposed tower at 1451 Rockville Pike. She expressed her concern over the aesthetics of the antennas and asked for the Board to provide an explanation of the effects of radiation on the neighborhood.

Mr. Sternstein moved, seconded by Dr. Wilcox, to grant Variances VAR2011-00019 to VAR2011-00025, to install 8 foot tall antennas at all proposed sites for two reasons, because the applicant has demonstrated that there is a difference in the degree of interference experienced in the network between the 6-foot and 8-foot antennas, in that the interference is reduced when using the 8 feet tall antennas, and that reduction in interference translates into the ability to provide better and new service to the public. Precluding the applicant from best addressing its market would be a hardship for their business, while denying the public better service would be undue and unjustified, given that the adverse impacts are virtually nonexistent, and that the structural engineer demonstrated that there is no structural risk in utilizing the 8-foot antennas. Mr. Sternstein also included in the motion to grant the additional waiver request regarding antenna height for 1251 W. Montgomery Avenue because the impact will be insignificant, and will permit the applicant to provide better communications service to the public. The waivers are granted subject to the conditions found on page 13 of the Staff Report, with noted revisions to conditions 1, 3 and 4, and the addition of a condition that the applicant shall comply with any and all requirements of the FCC with regard to RF emissions. The motion passed on a 3-0 vote.

**II. NEW BUSINESS**

No new business.

**III. OLD BUSINESS**

Board and Staff agree to postpone review of Rules of Procedures until September.

**IV. MINUTES**

Dr. Wilcox moved, seconded by Mr. Sternstein to approve the minutes of Saturday, July 10, 2010. The motion passed on a 3-0 vote.

**V. FYI**

No FYI Information.

**VI. ADJOURN**

There being no further business to come before the Board, The Chair adjourned the meeting at 12:28 pm.

Respectfully Submitted,

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Sandra Y. Driver, Commission Secretary